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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MAHA ASKAR, an individual on behalf of herself and others similarly situated,

Case No. 5:19-CV-06125-BLF

Plaintiff,

V.

HEALTH PROVIDERS CHOICE, INC.; and
DOES 1 to 10 inclusive,

NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Date: March 4, 2021
Time: 9:00 a.m.
Location: Courtroom 3
(San Jose Courthouse)

Defendants

NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

1 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** on March 4, 2021 at 9:00 a.m. in Courtroom 3 of the
 3 San Jose Courthouse for the United States District Court for the Northern District of California,
 4 located at 280 South 1st Street, San Jose, CA 95113, the Honorable Beth Labson Freeman
 5 presiding, Plaintiff Deborah Maha Askar (“Plaintiff”) will and hereby does move for entry of an
 6 Order:

7 1. Preliminarily approving the terms of the Joint Stipulation and Class Action
 8 Settlement Agreement (“Settlement”) – which is submitted concurrently herewith as Exhibit 2 to
 9 the Compendium of Evidence – as fair, reasonable, and adequate;

10 2. Conditionally certifying the following proposed class (hereafter “Settlement
 11 Class”) for purposes of the Settlement only:

12 All non-exempt hourly employees employed by Health Providers Choice, Inc.
 13 in California at any time from September 26, 2015 through the date the Court
 14 enters an order granting preliminary approval of the Settlement who worked
 15 one or more workweeks in which they were paid overtime and received per
 16 diem pay and/or a monetary bonus;

17 3. Appointing Plaintiff as representative of the Settlement Class;

18 4. Appointing Hayes Pawlenko LLP as class counsel for the Settlement Class;

19 5. Approving the manner and content of the notice of settlement prescribed by the
 20 Settlement as constituting the best notice practicable under the circumstances and in compliance
 21 with the requirements of due process;

22 6. Appointing Phoenix Class Action Administration Solutions as the settlement
 23 administrator, preliminarily approving settlement administration costs of up to \$3,500, and
 24 directing the settlement administrator to disseminate notice in accordance with the Settlement;
 25 and

26 7. Scheduling a final fairness hearing on the question of whether the proposed
 27 Settlement should be finally approved.

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The motion is unopposed by Defendant and will be based on this Notice, the Memorandum of Points & Authorities filed concurrently herewith, the Compendium of Evidence filed concurrently herewith, the records on file in this action, and any additional arguments or evidence presented to the Court in advance of the hearing.

DATED: December 22, 2020

HAYES PAWLENKO LLP

By:/s/Matthew B. Hayes
Matthew B. Hayes
Kye D. Pawlenko
Attorneys for Plaintiff

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